

COMMISSION VIEWS AND NEWS

June 2021



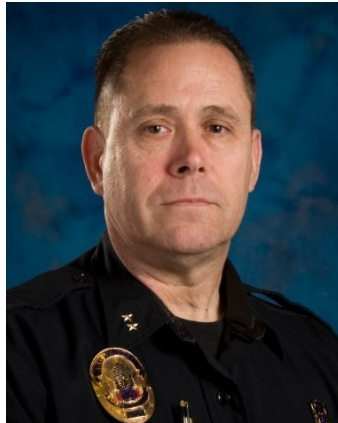
Remembering those Officers Who Lost their Lives in the Line Of Duty in 2020-2021

Law Enforcement Officers put their lives on the line every day to serve and protect their communities. In 2020/2021 alone, we have seen 500 deaths nationwide while on duty. In Arizona, we have lost 267 law enforcement officers in the line of duty since 1880 with 143 of those being from gunfire from an assailant.

In 2020/2021, seven officers lost their lives while in the line of duty with an additional five officers who died from COVID-19.



Police Officer David Kellywood
White Mountain Police Dept
February 17, 2020



Commander Greg Carnicle
Phoenix Police Department
March 29, 2020



Police Officer Jason Judd
Peoria Police Department
July 1, 2020



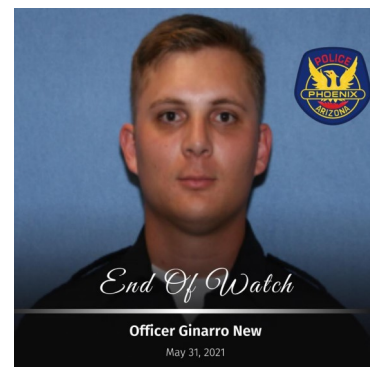
Police Officer Bryan Brown
Tohono O'Odham Nation
Police Department
August 17, 2020



Police Officer Christopher Farrar
Chandler Police Dept
April 30, 2021



Police Officer Jeremy Brinton
Nogales Police Department
May 21, 2021



Police Officer Ginarro New
Phoenix Police Department
May 31, 2021

SPOTLIGHT

Arizona's Drug Task Forces

Pima County and Greater Tucson Area Counter Narcotics Alliance (CNA)

Since 1987, the Arizona Criminal Justice Commission has provided funding under the Drug, Gang, and Violent Crime Control Grant to enhance efforts to deter, investigate, prosecute, adjudicate and punish drug offenders. The grant comprises federal, state, and local funding awarded by the Commission each year on a competitive basis. In FY 2020, the Commission awarded \$9.1 million for 35 projects across the state, 14 of which were drug task forces. The overall goal for drug task forces is reducing drug activity or drug-related street gang activity.

The Pima County and Greater Tucson Area Counter Narcotics Alliance (CNA) task force has been in existence for 17 years. The Counter Narcotics Alliance (CNA) is a multi-jurisdictional drug task force operating in the Pima County and Greater Tucson area. Its mission is to reduce the rate of crime associated with drug use through the disruption of trafficking, sale and distribution of illicit narcotics.

In FY 2020, CNA utilized \$687,640 from state, local, and federal funding. Of this amount, \$240,674 was awarded from the Edward Byrne Memorial Justice Assistance Grant.

Over the last year, CNA has seen a significant increase in fentanyl and vape cartridges/THC liquid seizures. Counterfeit THC Oil vape cartridges are flooding the black market. With a sustained increase in overdose fatalities and an increase in seizures, fentanyl is their biggest threat. CNA has been seizing large amounts of fentanyl that have been transported through Tucson for other destinations outside of Arizona. Unfortunately, as of today, Pima County has recorded 160 overdoses, 93 of which were fentanyl-related and more still pending toxicology reports.

Two cases over the last year that CNA undertook demonstrate the critical impacts of their efforts on the drug, crime and drug control issues in Arizona.

On May 19, 2021, at approximately 8:00 A.M., a well-known drug smuggler, Sigrid ADOLFO-Rivero (ADOLFO) was observed by USBP agents departing his residence in Nogales, Arizona and enter a white in color Chevrolet Tahoe. US Border Patrol agents stopped ADOLFO and searched his vehicle. Inside the officers seized two bags of "small blue pills" consistent with counterfeit M-30 pills. ADOLFO was subsequently arrested and approximately 200,000 counterfeit M-30 fentanyl pills were seized.



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In a separate case, CNA was able to make another seizure through their efforts to monitor social media. CNA officers closely monitor Snapchat drug sales as Snapchat is the number one platform for where drugs are being sold and traded. On March 10, CNA Street Level Squad obtained a search warrant at an apartment inhabited by Anthony Williams. Williams routinely posted bulk amounts of hydroponic marijuana and THC cartridges on his Snapchat account for sale, but is also known to be violent and a prohibited possessor. TPD SWAT served the warrant and Williams was taken into custody. Inside his apartment, approximately 1,500 THC cartridges, 3.5 pounds of hydroponic marijuana, a money counter, over \$5,000 cash, and a Glock handgun was located next to his bed. After the handgun had been submitted for NIBIN testing, CNA was advised the gun was a match for a recent TPD homicide from several months prior to the seizure.

These two examples show that CNA is working tirelessly to stay on top of a growing problem with opioids/fentanyl. With the close proximity of Tucson and Pima County to the international border with Mexico continues to make it a prime staging location for drug traffickers. The Drug, Gang and Violent Crime Control Project funding, has been instrumental in supporting the task force in its efforts to reduce the flow of illicit drugs, drug proceeds, and instruments used to perpetuate violence, to ensure the safety of its residents as well as citizens in communities all over the United States.





ACJC Announces Recipients of the new Criminal Justice Innovative Grant

In February of 2021, ACJC launched the first-ever Criminal Justice Innovative Grant (CJI). The basis for this new grant is to encourage criminal justice agencies to implement innovative projects within their communities and support projects that reduce drug and associated violent crime, dismantle gang activity, assist communities struggling with drug abuse and violent crime, and support law enforcement agencies by integrating enforcement strategies into community-based crime reduction efforts. The CJI Grant model is based on the principle that sustainable reductions in drug and violent crime require collaboration among partners in the criminal justice system, service providers, and the communities they serve. These partnerships extend to community development corporations and private businesses linked to the CJI Grant in local revitalization efforts.

The grant period is for CJI is 36 months. Grantees are given a 6 to 12 month period to develop action plans to implement the innovative project and 24 months to implement the project. The funding allows for two projects, granted a maximum amount of \$200,000. The performance period of the grant is July 1, 2021 to June 30, 2024. These projects will offer fresh perspectives for reducing and preventing drug and violent crime at the state, local, or tribal government levels by identifying chronic or emerging drug and violent crime challenges and propose evidence-based strategies to strengthen public safety.

The Commission approved an award of \$304,273.28 in federal Edward Byrne Memorial Justice Assistance Grant funds for the FY 2022 Criminal Justice Innovative Grant awards beginning July 1, 2021 and ending June 30, 2024. The awardees for this grant cycle are the Pinal County Sheriff's Office (Sheriff's Juvenile Redirection Program) and the Yavapai County Sheriff's Office (Yavapai County Drug Trafficking Homicide Team).

The following outlines the grantees and their programs use for the grants:

1. Pinal County Sheriff's Office: Sheriff's Juvenile Redirection Program:

The Juvenile Redirection Program (JRP) is a pre-arrest initiative for young people who are first-time offenders that have been referred by a deputy, school official, behavioral health professional, or parent. The JRP intercepts at-risk youth in Pinal County at an early point in their lives and changes the course of their futures. This interception improves relationships between young people and law enforcement and relieves some of the burdens on the criminal justice system.

2. Yavapai County Sheriff's Office: Yavapai County Drug Trafficking Homicide Team:

The Yavapai County Drug Trafficking Homicide Team (DTH) mission is to reduce fentanyl trafficking and its impacts and give a voice to its victims, both living and deceased. To accomplish the mission, the project will prepare investigators to respond effectively to overdoses and overdose death investigations, provide mental health/addiction service referrals to victims and families, provide prosecutors with cases that can be prosecuted as homicides, and connect with the community stakeholders who are affected by and can affect positive change to the consequences of fentanyl trafficking.

For more information on this grant and others visit www.azcjc.gov/grants



2021 Legislative Summary

The following are bills that have been signed into law

HB2006 – Speed Limits; Roadway Turn off

For the purpose of statute prohibiting driving a motor vehicle at such a slow speed as to impede the movement of traffic, "vehicle" is defined as a device in, on or by which a person or property is or may be transported on a public highway. "Vehicle" specifically includes electric bicycles, electric miniature scooters, electric standup scooters, devices moved by human power, personal delivery devices, and personal mobile cargo carrying devices.

HB2066 – Arrest Procedures; Magistrates

If the offense a person is arrested for was committed in another county, the arrested person may be taken before either the nearest or most accessible magistrate in the county in which the arrest occurs or the county where the offense was committed.

HB2067- Criminal Conviction; set aside

If the court grants an application to set aside the judgment of guilt, the court's order is required to include a certificate of second chance if the person has not previously received a certificate and the person was convicted of a misdemeanor, of a class 4, 5, or 6 (three lowest) felony and at least two years have elapsed since the person fulfilled the conditions of probation or sentence, or of a class 2 (second highest) or 3 (upper mid-level) felony and at least five years have elapsed since the person fulfilled the conditions of probation or sentence. A certificate of second chance releases the person from all barriers to obtain an occupational license if the person is otherwise qualified, with some exceptions, and releases an employer from liability for negligently hiring the person and a person or entity from liability for providing housing to the person if the liability is based on the existence of the person's prior criminal offense.

HB2073 – Records; Confidentiality; Eligible Individuals

For the purpose of statute allowing eligible persons to file an affidavit to request county officers and state agencies prohibit access to that person's information contained in certain public records, the definition of "eligible person" is expanded to include former county attorneys, former municipal prosecutors, former attorneys general, former U.S. Attorneys, commissioners of the municipal court, hearing officers appointed for civil traffic violations, and members of the Commission on Appellate Court Appointments. Persons whose residential address is protected from public disclosure are not required to disclose their address when making campaign contributions and are instead required to provide an alternate mailing address.

HB2075 – Sentencing; Judgement of Guilt; Fingerprints

The court must require either that a defendant's fingerprint be permanently affixed to a court document or order, or that the defendant's two fingerprint biometric-based identifier be obtained and recorded, and is no longer required to affix or obtain and record a defendant's fingerprint "at the time of sentencing and in open court."

HB2158- Protective Orders; Central Repository; Notification

The Supreme Court is required to maintain a central repository for orders of protection and injunctions against harassment (central repository). Within 24 hours after the affidavit, declaration, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or injunction was issued is required to enter the filing into the central repository.

HB2162: Undesignated Offenses; Misdemeanor status; Exceptions

An undesignated felony offense must be treated as a misdemeanor until the court enters an order designating it a misdemeanor or felony, instead of being required to be treated as a felony until the court enters an order designating it a misdemeanor. Some exceptions. On the person's "successful" (defined) fulfillment of the conditions of probation and discharge by the court, the court is required to designate an undesignated offense a misdemeanor. Does not apply to a person who owes victim restitution or who has willfully failed to pay a monetary obligation ordered by the court. Applies to a person who is convicted on or after the effective date of this legislation.

HB2166: Criminal Justice Commission; Data Collection

Arizona Criminal Justice Commission is authorized, unless prohibited by federal or state law, to require any state or local "criminal justice agency" (defined elsewhere in statute) to submit any necessary information that is currently collected and readily reportable by the criminal justice agency at the time of the request. The Commission is required to conduct a comprehensive survey of data contained in criminal justice records systems housed at local and state criminal justice agencies in order to create a state criminal justice data inventory report identifying what data is housed at each type of agency. By August 1, 2022, the Commission is required to submit the inventory report to the Governor and the Legislature and make the report available on its website. Information that must be included in the report is specified. Contains a legislative intent section.

HB2168: Use of Force; Reports; Analysis

Law enforcement agencies are required to collect and report "use-of-force incidents" (defined) involving law enforcement officers to the Arizona Criminal Justice Commission beginning January 1, 2022 and at least annually after. The Commission is required to establish procedures governing the collection and reporting of use-of-force incident data that are consistent with the requirements of the "national use-of-force data collection" (defined) established by the Federal Bureau of Investigation. The Commission is required to publish the data reported during the immediate past year beginning March 1, 2023 and by March 1 of each year after, in a publicly available database. By January 1, 2025, the Commission is required to conduct an analysis of law enforcement agency use-of-force rates and release the analysis to the public. The Commission is required to update this analysis at least once every five years. Effective January 1, 2022

HB2178 – Theft by Extortion; Defense

It is a defense to prosecution to theft by extortion by knowingly obtaining or seeking to obtain property or services by means of a threat to bring criminal charges, expose a secret or take or withhold action as a public servant that a reasonable person would believe that the property or services were obtained by the threat of a reasonable action, instead of that the property was lawfully claimed as compensation, restitution or indemnification.

HB2186 – Prosecution; Deferred; Diverted

The county attorney is no longer prohibited from diverting or deferring the prosecution of a person who has been previously convicted of a serious offense, a sexual offense, a dangerous offense, or a dangerous crime against children, or who has been convicted three or more times of either personal possession of a controlled substance or personal possession of drug paraphernalia.

HB 2295: Law Enforcement Officers; Database

A "prosecuting agency" (defined) is prohibited from placing a law enforcement officer's name in a "rule 15.1 database" (defined) unless the officer is given at least 10 days prior written notice by mail or email to the officer's current or last known employment address. Information that must be included in the written notice is listed, including information on the right to request reconsideration of the allegations and placement in the database. If an officer submits a request for reconsideration, and the reconsideration is approved on its merits, the officer's name must be removed from the database.

HB2810: Civil Asset Forfeiture; Conviction; Procedures

The list of property subject to seizure and forfeiture is modified to require the proceeds to be traceable to an offense that resulted in a criminal conviction. Property is subject to forfeiture only if the owner is convicted of an offense to which forfeiture applies and the state establishes by clear and convincing evidence that the property is subject to forfeiture. The state is prohibited from proceeding with further forfeiture proceedings before a criminal conviction for an offense to which forfeiture applies unless no timely claims for the seized property were filed or the court waived the conviction requirement. After a person is convicted of an offense for which forfeiture applies, the court may order the person to forfeit property acquired through the commission of the offense, property directly traceable to property acquired through the commission of the offense, and property the person used in the commission of the offense or to facilitate the offense. Establishes circumstances under which the court is allowed to waive the conviction requirement.

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"Our mission is to continuously address, improve, sustain and enhance public safety in the state of Arizona through the coordination, cohesiveness and effectiveness of the criminal justice system."